

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
LUBBOCK DIVISION

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UNITED STATES OF AMERICA

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v.

CASE NO. 5:24-CR-046-H-BV-6

RICHARD LOPEZ

§

**REPORT AND RECOMMENDATION ON PLEA OF GUILTY  
BEFORE UNITED STATES MAGISTRATE JUDGE**

Defendant, by consent and under the authority of *United States v. Dees*, 125 F.3d 261 (5th Cir. 1997), appeared with counsel for the purpose of entering a plea of guilty under Rule 11 of the Federal Rules of Criminal Procedure. This Report and Recommendation is submitted to the Court under 28 U.S.C. § 636(b)(3).

Defendant was placed under oath and examined in open court concerning the subjects of Rule 11 of the Federal Rules of Criminal Procedure. Defendant was advised concerning each subject and testified that he understood each subject. Pursuant to a written plea agreement with the government, Defendant pled guilty to Count Five of the Indictment, charging a violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C)—Possession with Intent to Distribute Cocaine. After examining Defendant under oath, the undersigned magistrate judge finds the following:

1. Defendant, upon advice of counsel, consented orally and in writing to enter this guilty plea before a magistrate judge subject to final approval and sentencing by the presiding district judge;
2. Defendant fully understands the nature of the charges, including each essential element of the offense(s) charged, and the associated penalties;

3. Defendant fully understands the terms of the plea agreement and plea agreement supplement;
4. Defendant understands all constitutional and statutory rights and wishes to waive these rights, including the right to a trial by jury and the right to appear before a United States district judge;
5. Defendant's plea is made freely and voluntarily;
6. Defendant is competent to enter this plea of guilty;
7. There is a factual basis for this plea; and
8. The ends of justice are served by acceptance of Defendant's plea of guilty.

Based on the above, I recommend that Defendant's plea of guilty be accepted, that Defendant be adjudged guilty, and that sentence be imposed accordingly.

Although I have conducted these proceedings and accepted of Defendant's plea of guilty, the United States district judge has the power to review my actions and possesses final decision-making authority in this proceeding. Thus, if Defendant has any objections to these findings or any other action of the undersigned, he is required to make those known to the United States district judge within fourteen (14) days of today.

Signed September 4, 2024.

*Amy Burch*  
AMANDA 'AMY' R. BURCH  
UNITED STATES MAGISTRATE JUDGE